

**REMARKS**

Claims 1, 3-14 and 17-18 currently appear in this application. The Office Action of April 15, 2005, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

**Rejections under 35 U.S.C. 112**

Claims 1, 3-6, 10-13 and 17-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

This rejection is respectfully traversed. Claim 1 has been amended to recite that the frozen ground fish meat is in kg units. Support for this amendment can be found in the specification as filed at page 4, lines 10-12, *i.e.*, "in general, frozen ground fish meat masses are distributed in kg units for the sake of convenience in storage and handling."

Claim 17 has been amended to recite that the frozen ground fish meat mass has a weight of 10 kg. Support for this amendment can be found in the specification in Examples 1-3, page 10, line 15; page 11, line 9 from the bottom; page 12, line 3 from the bottom.

The present amendment cancels claim 19.

**Art Rejections**

Claims 1, 3-6, 10-13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 1213170A in view of Vitkovsky.

This rejection is respectfully traversed. CA 1213170A discloses that ground meat is extruded as a homogeneous strip, which is then frozen and comminuted to form frozen particles. This is not at all the same as in the present invention, in which fish meat in kilogram size blocks is milled to uniform particle size and then thawed without shearing by elevating the temperature. CA 1213170A teaches that cuts of meat are processed into frozen particles of small dimensions. This patent teaches that cuts of meat are comminuted and then frozen, in contrast to the present invention, in which large blocks of fish meat are comminuted and then thawed.

Alternatively, in CA 1213170A, strands of uncooked meat are frozen rapidly and then comminuted to form frozen meat particles. These frozen meat particles are then packaged for sale to the consumer while still frozen. Noted in the preferred embodiment that large chunks of meat are ground to a particle size, which permits performance of a further grinding operation on the meat. The temperature of the meat at the

point of cutting is typically in the range of 34-40°F (page 12, lines 2-8). CA 1213170A comminutes the meat to produce more rapid and even freezing of the meat. In the present invention, frozen blocks of fish meat are comminuted to make thawing more even.

Vitkovsky adds nothing to CA 1213170A, because Vitkovsky also provides frozen free-flowing particles of food, but not for the purpose of easing the thawing process. Vitkovsky provides a method for preparing frozen free-flowing particles of food product comprising supplying a food material, freezing the supplied material to a temperature at which the material is in a frangible state, and then fracturing the frangible frozen material to produce free-flowing particles of frozen food product (column 1, lines 55-61).

Thus, there is nothing in the combination of CA 1213170A and Vitkovsky that would lead one skilled in the art to comminute frozen blocks of fish meat into particles and then thaw the particles. Both CA 1213170A and Vitkovsky are concerned with producing free-flowing frozen particles.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 1213170A in view of Vitkovsky and further in view of Katoh et al.

This rejection is respectfully traversed. As discussed above, neither CA 1213170A nor Vitkovsky discloses or suggests comminuting frozen blocks of fish meat in order to produce easily thawed particles. Katoh et al. add nothing to this disclosure, as Katoh et al. merely disclose a method of processing fish paste. There is nothing in Katoh et al. that would lead one skilled in the art to combine CA 1213170A and Vitkovsky to produce a process for comminuting frozen fish meat to produce evenly thawed particles.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh et al. in view of CA 1213170A, Vitkovsky and JP 06133739A.

This rejection is respectfully traversed. Katoh et al. teach thawing frozen fish paste (if used), mixing together the starting materials, molding, the surimi, and heating the surimi to gel the proteins. The Examiner concedes that Katoh et al. do not reach milling frozen fish meat at least than -15°C or heating with electricity.

CA 1213170A discloses that the frozen particles of meat may be immediately stored at a temperature of less than 32°F and preferably in the range of 0°F, for later thawing. The subdivided particles can also be cooked without thawing (page 16, lines 15-27). However, CA 1213170A does not teach a process for thawing frozen fish. CA 1213170A teaches a

process for producing frozen particles from an extruded strip of frozen meat, which particles are then frozen for subsequent use.

JP 06133739A teaches a method for producing molded fish paste by heating with electricity, but there is no motivation to combine this heating method with Katoh et al. to arrive at the present invention because Katoh et al. thaw frozen fish paste without the comminuting step. CA 1213170A adds nothing to these references, because CA 1213170A is concerned with producing particles from strips of frozen meat and then storing the particles under sub-freezing temperatures.


In responding to Applicant's arguments filed February 23, 2005, the Examiner states that CA 1213170A teaches storing the mass in plastic bags. However, page 16 of this patent states that the particles contained in the bag 56 are "somewhat irregular in shape." In the herein claimed invention, however, preparation of milled frozen fish meat in a uniform size is critical to achieving the object of the invention. CA 1213170A neither teaches nor suggests that the particles should be of uniform size.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

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Respectfully submitted,

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